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Attorneys for Plaintiffs, VERONICA GUTIERREZ, ERIN WALKER
and WILLIAM SMITH, on behalf of themselves and all others similarly situated,

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN WALKER and)
WILLIAM SMITH, as individuals, and on behalf)
of all others similarly situated,)

Plaintiffs,)

v.)

WELLS FARGO & COMPANY; WELLS)
FARGO BANK, N.A.; and DOES 1 through 125,)

Defendants.)

Case No.: C 07-05923 WHA (JCSx)

CLASS ACTION

**STIPULATION AND (PROPOSED) ORDER
TO CHANGE THE OPT OUT DEADLINE IN
THE CLASS NOTICE FROM MARCH 5,
2009 TO FEBRUARY 5, 2009**

Judge Assigned: Hon. William H. Alsup
Complaint Filed: November 21, 2007

1 The class notice submitted to the Court and then approved by the Court contains a deadline for
 2 class member opt out of March 5, 2009. Plaintiffs request, and Wells Fargo does not oppose, changing
 3 that date in the notice to February 5, 2009.

4 Plaintiffs' position is that March 5, 2009 was originally selected as the deadline for the opt out
 5 based on an understanding that the notices were being sent as inserts to the January 2009 account
 6 statements. When Wells Fargo determined that they could get the notice out with the December 2008
 7 statements, Plaintiffs inadvertently did not suggest or make the change to the deadline for opt out.

8 Plaintiffs believe that a February 5, 2009 deadline for notices received in December 2008
 9 provides more than adequate time for class members to opt out of the class. Plaintiffs also believe it
 10 would be more efficient to process the opt out information further in advance of the trial for purposes of
 11 damage calculations by their experts.

12 It is therefore stipulated between the Parties, subject to Court order, that the deadline for opt out
 13 in the approved class notice be changed from March 5, 2009 to February 5, 2009. However, Wells
 14 Fargo's agreement to the stipulation is contingent upon receiving Court approval of the stipulation by
 15 10:00 a.m. on Friday, October 24, 2008, as any changes to the text of the class notice after this time
 16 would disrupt the production schedule, such that the inserts would not be ready for distribution with the
 17 December 2008 account statements.

18
 19 DATED: October 17, 2008.

McCUNE & WRIGHT, LLP

20 BY: 

21 Richard D. McCune
 22 Attorney for Plaintiffs

23 Dated: October 17, 2008

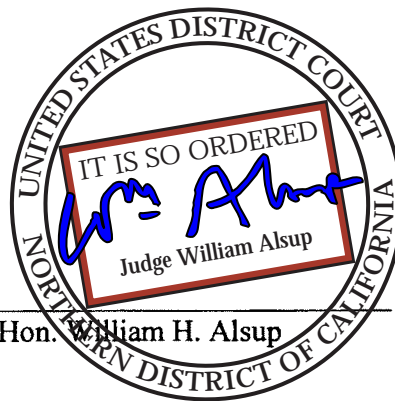
COVINGTON & BURLING LLP

24
 25 BY: 

26 David M. Jolley
 27 Attorneys for Defendant
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1 **IT IS SO ORDERED.**

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3
4 DATED: October 20, 2008



Hon. William H. Alsup